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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,172	05/09/2001	John P. Ertel	10007145-1	5949

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[REDACTED] EXAMINER

HAWKINS, CHERYL N

ART UNIT	PAPER NUMBER
1734	8

DATE MAILED: 09/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/853,172	ERTEL ET AL.
	Examiner	Art Unit
	Cheryl N Hawkins	1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 13 June 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
 - 4a) Of the above claim(s) 18-20 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-17 and 21 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 09 May 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1-4, 11, 14, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Sharpe (US 2,788,852). Sharpe discloses an apparatus which includes a sheet material dispenser configured to dispense a sheet material (Figures 1 and 2, pressure sensitive adhesive tape 30) having one of multiple effective widths (column 2, lines 37-40). It is noted that the limitation stating that the system is “for binding sheets into bound text bodies having respective spines exposed for adhesive application and characterized by multiple length dimensions and multiple thickness dimensions” is a recitation of the apparatus’s intended use and that the apparatus disclosed by Sharpe would be capable of dispensing a solid adhesive sheet across the thickness dimension of a text body spine, thereby meeting the limitations of the present claim.

As to Claim 2, Sharpe discloses an apparatus in which the adhesive dispenser is configured to dispense multiple segments of solid sheet material (Figure 2; column 2, lines 37-40). It is noted that the dispenser would be capable of dispensing those multiple segments along the length dimension of a text body spine.

As to Claim 3, Sharpe discloses an apparatus in which the adhesive dispenser is configured to dispense sheet material segments of different widths (column 2, lines 37-40).

As to Claim 4, Sharpe discloses an apparatus in which the adhesive dispenser is configured to dispense sheet material segments of the same width (column 2, lines 37-40).

As to Claim 11, Sharpe discloses an apparatus in which the adhesive dispenser is configured to dispensed multiple segments of sheet material simultaneously. It is noted that the dispenser would be capable of dispensing those multiple segments along the length dimension of a text body spine.

As to Claim 14, Sharpe discloses an apparatus in which the adhesive dispenser includes a width cutter (Figure 2, blocks 42, slitter blades 40) for cutting the sheet material to an effective width (column 2, lines 37-40). It is noted that the dispenser would be capable of being configured to provide the sheet material with a width which corresponds to the length dimension of a text body spine.

As to Claim 15, Sharpe discloses an apparatus in which the adhesive dispenser further includes a length cutter for cutting the sheet material to a desired length (Figures 1 and 2, blade 34). It is noted that the dispenser would be capable of being configured to provide the sheet material with a length at least as large as the thickness dimension of a text body spine.

3. Claims 1, 14-16, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by McLane (US 3,296,911). McLane discloses an apparatus which includes a sheet material dispenser configured to dispense a sheet material (Figures 1, material 30) having one of multiple effective widths (column 3, lines 58-61). It is noted that the limitation stating that the system is "for binding sheets into bound text bodies having respective spines exposed for adhesive application and characterized by multiple length dimensions and multiple thickness dimensions"

is a recitation of the apparatus's intended use and that the apparatus disclosed by McLane would be capable of dispensing a solid adhesive sheet across the thickness dimension of a text body spine, thereby meeting the limitations of the present claim.

As to Claim 14, McLane discloses an apparatus in which the adhesive dispenser includes a width cutter (Figure 1, longitudinal cutter assembly 24) for cutting the sheet material (Figure 1, material 30) to an effective width (column 3, lines 28-32). It is noted that the dispenser would be capable of being configured to provide the sheet material with a width which corresponds to the length dimension of a text body spine.

As to Claim 15, McLane discloses an apparatus in which the adhesive dispenser further includes a length cutter for cutting the sheet material (Figure 1, material 30) to a desired length (Figure 1, transverse cutter assembly 54). It is noted that the dispenser would be capable of being configured to provide the sheet material with a length at least as large as the thickness dimension of a text body spine.

As to Claim 16, McLane discloses an apparatus in which the adhesive dispenser is configured to advance the sheet material (Figure 1, material 30) beyond the location cut by the width cutter (Figure 1, longitudinal cutter assembly 24), and to cut across the sheet material with the length cutter (Figure 1, transverse cutter assembly 54) to prepare a clean leading edge for subsequent use.

As to Claim 21, McLane discloses an apparatus in which the adhesive dispenser is configured to automatically advance the sheet material (Figure 1, material 30) beyond the location cut by the width cutter (Figure 1, longitudinal cutter assembly 24), and to automatically

cut across the sheet material with the length cutter (Figure 1, transverse cutter assembly 54) to prepare a clean leading edge for a subsequent sheet binding (column 5, lines 17-22).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sharpe (US 2,788,852) as applied to claim 2 above, and further in view of Kuhns (US 3,953,277) and Steinberg et al. (US 6,129,796). Sharpe does not disclose an apparatus which includes an adhesive quantity interrogator configured to obtain indications of the length of the sheet material remaining in a plug-in cartridge housing. Kuhns discloses a bookbinding apparatus which includes a plug-in cartridge housing (Figure 1, cartridge 57) containing a roll of solid sheet adhesive (Figure 1, adhesive bearing strip 30). It is well known and conventional in the material dispensing apparatus art, as disclosed by Steinberg et al. (column 8, lines 51-53), to use a quantity interrogator to determine the remaining amount of material on a spool. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the apparatus of Sharpe with a plug-in cartridge housing as suggested by Kuhns to ease replenishment of the adhesive sheet material and an adhesive quantity interrogator configured as

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suggested by Steinberg et al. to obtain indications of the length of the sheet material remaining in a plug-in cartridge housing.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sharpe (US 2,788,852), Kuhns (US 3,953,277), and Steinberg et al. (US 6,129,796) as applied to claim 9 above, and further in view of Whiteman (US 3,582,010). Sharpe does not disclose an apparatus which includes a controller configured to transmit a warning message when any of the solid sheet adhesive segments are nearly spent. It is well known and conventional in the material dispensing apparatus art, as disclosed by Whiteman (column 6, lines 43-50), to use a controller to detect when a material supply is almost depleted. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the apparatus of Sharpe with a conventional controller as suggested by Whiteman to detect and alert a user of the depletion of the adhesive sheet supply.

7. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sharpe (US 2,788,852) as applied to claim 14 above, and further in view of Mallonee (US 5,460,672) and Leifeld (US 4,839,943). Sharpe does not disclose an apparatus in which the adhesive dispenser includes a waste reservoir configured to store excess solid sheet adhesive cut by the width cutter. Mallonee discloses a web handling apparatus which includes a width cutter (Figure 7, welding and trimming means 54) and removal of the trimmed material (Figure 7, trim remover means 70). It is well known and conventional in the waste material handling art, as disclosed by Leifeld (Figure 1, waste container 15), to provide a container for storing waste materials. It would have

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been obvious to one of ordinary skill in the art at the time of the invention to provide the adhesive dispenser with a waste reservoir as suggested by Leifeld for storing the excess trimmed sheet material.

8. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dim et al. (US 6,460,843) in view of Sharpe (US 2,788,852) and McLane (US 3,296,911). Dim et al. discloses an apparatus which includes a sheet material dispenser configured to dispense a sheet material (Figure 8A, glue roll 98) having a given width. Dim et al. do not disclose an apparatus in which the sheet material has one of multiple effective widths. It is well known and conventional in the sheet material dispensing art, as disclosed by Sharpe (column 2, lines 37-40) and McLane (column 3, lines 28-32), to provide a sheet material dispenser with adjustable longitudinal cutters to provide sheet material segments having a range of widths. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus of Dim et al. to include width adjustability for the sheet material as suggested by Sharpe and McLane to provide sheet material segments which are customized to correspond to the size of the article, i.e. book spines, to which it is being applied.

9. Claims 2, 5-7, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dim et al. (US 6,460,843), Sharpe (US 2,788,852), and McLane (US 3,296,911) as applied to claim 1 above, and further in view of Mallonee (US 5,460,672). As to Claims 2 and 5, Dim et al. do not disclose a system in which the adhesive dispenser is configured to dispense multiple segments of solid sheet adhesive. Mallonee discloses a web material dispenser (Figure 7) which

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is configured to independently dispense multiple segments of sheet material along a length dimension. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the adhesive sheet dispenser of Dim et al. to independently dispense and join multiple segments of standard sized solid sheet adhesive webs as suggested by Mallonee to accommodate the length of oversized books.

As to Claim 6, the references as combined (see Mallonee) disclose an apparatus which includes a roller system for dispensing multiple segments of solid sheet materials (Figure 7).

As to Claim 7, the references as combined (see Dim et al.) disclose an apparatus which includes a roller system having a drive shaft supporting multiple drive rollers (Figure 5).

As to Claims 11 and 12, when modifying the apparatus of Dim et al. as noted above to independently dispense and join multiple segments of standard sized solid sheet adhesive webs as suggested by Mallonee to accommodate the length of oversized books, it would have been readily apparent to one of ordinary skill in the art at the time of the invention that the sheet material segments could be dispensed either simultaneously or sequentially.

10. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dim et al. (US 6,460,843), Sharpe (US 2,788,852), McLane (US 3,296,911), and Mallonee (US 5,460,672) as applied to claim 7 above, and further in view of Nakamura (US 5,842,691). The references as combined (see Dim et al.) disclose an apparatus in which the adhesive dispenser includes a motor for driving the drive shaft (Figure 3A, electric motor 131), but is silent as to having a clutch connecting the drive rollers and the motor. It is well known and conventional in the web handling apparatus art, as disclosed by Nakamura (column 7, lines 21-25), to use a motor for

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driving the drive shaft and a clutch for enabling the drive rollers to be driven by the motor. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus of the references as combined to include the use a conventional clutch as suggested by Nakamura for enabling the drive rollers to be selectively driven by the motor thereby providing automated operation of the apparatus.

11. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dim et al. (US 6,460,843), Sharpe (US 2,788,852), McLane (US 3,296,911), and Mallonee (US 5,460,672) as applied to claim 12 above, and further in view of Kuhns (US 3,953,277). The references as combined do not disclose an apparatus in which the adhesive dispenser is configured to position a plug-in cartridge housing containing a roll of solid sheet adhesive at multiple locations along a length dimension. Kuhns discloses a bookbinding apparatus which includes an adhesive dispenser configured to position a plug-in cartridge housing (Figure 1, cartridge 57) containing a roll of solid sheet adhesive (Figure 1, adhesive bearing strip 30) along the text body spine. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the apparatus of the references as combined to include a plurality of plug-in cartridge housings containing a roll of solid sheet adhesive at multiple locations along the length dimension to provide for easy replenishment of the sheet material.

Response to Arguments

12. Applicant's arguments with respect to claims 1-17 and 21 have been considered but are moot in view of the new ground(s) of rejection. The references of Sharpe and McLane disclose

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an apparatus which includes a sheet material dispenser configured to dispense a sheet material having one of multiple effective widths. It is noted that the limitation stating that the system is "for binding sheets into bound text bodies having respective spines exposed for adhesive application and characterized by multiple length dimensions and multiple thickness dimensions" is a recitation of the apparatus's intended use and that the apparatus disclosed by Sharpe would be capable of dispensing a solid adhesive sheet across the thickness dimension of a text body spine, thereby meeting the limitations of the present claim.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl N. Hawkins whose telephone number is (703) 306-0941. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:30 pm.

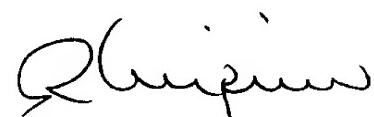
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (703) 308-3853. The fax phone numbers for the organization where the application or proceeding is assigned is (703) 872-9310 for regular communications or (703) 872-9311 for After-Final communications.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is (703) 308-0661.

Cheryl N. Hawkins

Cheryl N. Hawkins 9/22/03

September 22, 2003



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